

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

May 26, 2004
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Wendy Feldman-Kerr, Queen Creek, Chair	Supervisor Max W. Wilson, Maricopa County
Mayor Keno Hawker, Mesa, Vice Chair	Mayor Edward Lowry, Paradise Valley
* Mayor Douglas Coleman, Apache Junction	Vice Mayor Bob Barrett for
Mayor Ron Drake, Avondale	Mayor John Keegan, Peoria
* Mayor Dusty Hull, Buckeye	Mayor Phil Gordon, Phoenix
* Mayor Edward Morgan, Carefree	* President Joni Ramos, Salt River
Vice Mayor Ralph Mozilo, Cave Creek	Pima-Maricopa Indian Community
Mayor Boyd Dunn, Chandler	* Mayor Mary Manross, Scottsdale
* Mayor Robert Robles, El Mirage	Mayor Joan Shafer, Surprise
Mayor Wally Nichols, Fountain Hills	Mayor Neil Giuliano, Tempe
Mayor Chris Riggs, Gila Bend	* Mayor Adolfo Gamez, Tolleson
* Governor Richard Narcia, Gila River Indian	Mayor Lon McDermott, Wickenburg
Community	Mayor Bryan Hackbarth, Youngtown
Mayor Steven Berman, Gilbert	Rusty Gant, ADOT
Mayor Elaine Scruggs, Glendale	* Joe Lane, ADOT
Mayor James Cavanaugh, Goodyear	* F. Rockne Arnett, Citizens Transportation
Mayor Vinicio Alvarez, Guadalupe	Oversight Committee
Mayor J. Woodfin Thomas, Litchfield Park	

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference call.

1. **Call to Order**

The meeting of the Regional Council was called to order by Regional Council Chair Wendy Feldman-Kerr at 5:05 p.m.

2. **Pledge of Allegiance**

The Pledge of Allegiance was recited.

Chair Feldman-Kerr introduced Vice Mayor Bob Barrett as proxy for Mayor John Keegan. She noted that Wickenburg's Mayor-Elect Ron Badowski was attending the meeting via videoconference. Chair Feldman-Kerr stated that the RPTA has provided transit tickets for those who used transit to come to

the meeting. She stated that garage parking validation was available from staff. Chair Feldman-Kerr noted that the Transportation Policy Committee unanimously recommended approval of agenda items #5B and #5C at its meeting that took place immediately prior to the Regional Council meeting.

Chair Feldman-Kerr presented Resolutions of Appreciation to Mayor Lon McDermott, Mayor Edward F. Lowry, and Tempe Councilman Dennis Cahill for their service to the MAG region and organization. Mayor McDermott thanked the Regional Council and said that he was honored to have served with members. Councilmember Dennis Cahill stated that receiving the Resolution of Appreciation was an incredible honor. He said that communities and society are defined by many things, but nothing is more important than how a community cares for those with the least. Councilmember Cahill stated that he believed that the City of Tempe and the MAG region have made that effort. Mayor Lowry thanked the Regional Council for the Resolution. He said that he had mixed feelings about his retirement from the Paradise Valley Town Council. Mayor Lowry remarked that he decided to run for office six years ago when he became concerned that things were not being done the way he thought they should be. He stated that a large part of MAG is the Regional Council and he has come to appreciate the impressive dedication of this group. Each mayor is loyal to his or her community and represent the voters splendidly. Mayor Lowry commended members not only for their work in cities, but also the region. He said that many residents are unaware of the contributions of the Regional Council that make the region function well. Mayor Lowry stated that he was honored to have been a part of the Regional Council, to have their friendship, which he hoped will continue. He stated that he appreciated the opportunity to learn from so many fine, outstanding people.

3. Call to the Audience

Chair Feldman-Kerr noted that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out public comment cards. The opportunity for public comment is provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Chair Feldman-Kerr recognized public comment from Diane Barker, who stated that at a CTOC meeting, it was stated that the Committee could not discuss light rail; however, they can discuss corridors. She said that she may need to go to the Attorney General on this. Ms. Barker stated that light rail does not have a congestion management rating and is not a Transportation Control Measure. She asked what light rail is in the pollution bucket. Ms. Barker mentioned the posted public hearing on June 1, 2004 at 5:00 p.m. Ms. Barker commented that money is not always received just because money is earmarked. She said that Phoenix spent \$17 million at Sky Harbor Airport for federally-mandated security, but received only \$7 million back from the federal government. Chair Feldman-Kerr thanked Ms. Barker for her comments.

Chair Feldman-Kerr recognized public comment from Joseph Ryan, who handed out a packet of material. The material was entered into the permanent record. Mr. Ryan stated that FTA criteria for

spending money include reducing air pollution and traffic congestion, and improving quality of life with transportation investments. Mr. Ryan suggested that a true rapid transit system be implemented within the next 20 years. He stated that he did not agree with the Maricopa County Department of Transportation's plan for the interchange at Grand Avenue and Loop 303. Chair Feldman-Kerr thanked Mr. Ryan for his comments.

4. Executive Director's Report

Dennis Smith reported on reauthorization. Senate Republican and Democrat leaders have reached an agreement to move the bill to joint conference committee. An agreement with House leadership and the Administration on a funding level will be addressed in the committee process. Mr. Smith stated that the Senate has named the conferees, which include Senator McCain who Chairs the Senate Committee on Commerce, Science and Transportation. The House is expected to name conferees the week of June 1, 2004.

Mr. Smith stated that the Intermodal Planning Group (IPG) Certification review of MAG's work program was held on May 4th and 5th. He stated that no corrective action items were requested by the federal partners. Mr. Smith reported that MAG was complimented on the Data Partnership Project, interactive mapping, public involvement, elderly mobility, air quality planning and the inclusion of the business community on the Transportation Policy Committee. He said that the federal agencies stressed that additional efforts are needed in safety planning.

Mr. Smith reported that the Compensation Study is completed. The Executive Committee approved the Summary of Findings and Recommendations. He noted that these recommendations will not change the personnel cost in the budget.

Mr. Smith updated members on the Desert Peaks Awards program scheduled for June 23, 2004. He said that the invitations were mailed on May 19th. Mr. Smith stated that \$9,500 in sponsorships have been received from Arizona Public Service, Salt River Project, Associated General Contractors, Mariscal Weeks, The Arizona Republic, the Bank of America, Kimley Horn & Associates, Blue Cross/Blue Shield of Arizona, the e group, and Cox Communications. Mr. Smith stated that the judging panel has met and the award recipients will be notified by this week. In addition, award recipients will be posted on the MAG Web site June 1st.

Mr. Smith reported that the Senate voted 18-8 to approve HB2049, which would allow MAG to join the Arizona State Retirement System. He stated that the bill's emergency clause was not enacted because there was not a two-thirds affirmative vote. Mr. Smith stated that on May 17th, the Executive Committee approved MAG joining ASRS. This item is on the consent agenda for ratification. Mr. Smith indicated that it is anticipated that MAG will apply for membership in September.

Mr. Smith noted the passing of a great friend to MAG, Tom Swanson, former Executive Director of the Pima Association of Governments. He said that Mr. Swanson contributed much to the Casa Grande Resolves and Fair Share efforts. Mr. Smith noted that these efforts were instrumental to the transportation improvements we enjoy today.

5. Approval of Consent Agenda

Chair Feldman-Kerr stated that public comment is provided for consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any member of the committee can request that an item be removed from the consent agenda and considered individually. Chair Feldman-Kerr stated that agenda items #5A through #5E were on the consent agenda. No requests were received from the Council to hear an item individually. Chair Feldman-Kerr noted that no public comment cards had been turned in on the consent agenda.

Mayor Shafer moved to approve consent agenda items #5A, #5B, #5C, #5D, and #5E. Mayor Lowry seconded, and the motion carried unanimously.

5A. Approval of the April 28, 2004 Meeting Minutes

The Regional Council, by consent, approved the April 28, 2004 meeting minutes.

5B. Amendment to the FY 2004-2007 MAG Transportation Improvement Program for ADOT Highway Projects and a Maricopa County Job Access and Reverse Commute Project

The Regional Council, by consent, approved an amendment to the FY 2004-2007 MAG TIP to accelerate \$2,829,000 in NHS funds to acquire right-of-way for the Wickenburg By-pass project from FY 2005 to FY 2004, and to add a new phase of the Maricopa County Job Access and Reverse Commute (JARC) program with \$3,234,705 in JARC funds in FY 2004. The FY 2004-2007 MAG Transportation Improvement Program (TIP) was approved by the Regional Council on November 25, 2003. Since that time, ADOT has requested to accelerate \$2,829,000 in National Highway System (NHS) funds from their FY 2005 Wickenburg By-pass project to acquire right-of-way in FY 2004. In addition, Maricopa County has been awarded \$3,234,705 in Job Access and Reverse Commute funds to continue their program already in progress. It is necessary to amend the TIP to include these projects so that they may proceed to construction. All of the changes are regarded as exempt projects or are regarded as minor project revisions for which no air quality conformity is required and the consultation for this item is considered as a separate agenda item. The Transportation Review Committee, the Management Committee, and the Transportation Policy Committee recommended approval of a TIP amendment for these projects.

5C. Request to Change the Federal Functional Classification of a Town of Gila Bend Roadway and Amendment to the FY 2004-2007 MAG TIP to Reprogram MAG Federal Funds on a Gila Bend Project

The Regional Council, by consent, approved that Martin Avenue between Old Main Street and Stout Street in the Town of Gila Bend be recognized as a federally functionally classified Rural Major Collector Street. In addition, to recommend that the funds programmed for improvements to the Watermelon Road intersection be reprogrammed onto the Martin Avenue, Old Main Street to Stout Street Pedestrian Improvements project and approve an Amendment to the FY 2004-2007 MAG TIP to accomplish this change. The Town of Gila Bend has requested to recognize Martin Avenue, Old Main Street to Stout Street as a federally functionally classified Rural Major Collector Street. MAG approval is required in order for ADOT to proceed with classification of the facility. In addition, the Town of Gila

Bend has requested to reprogram its Watermelon Road project, so that the \$188,600 in STP funding allocated to it is used to complete pedestrian improvements on Martin Avenue, Old Main Street to Stout Street. An amendment to the FY 2004-2007 MAG TIP is needed to accomplish this reprogramming. This change is regarded as an exempt project or is regarded as a minor project revision for which no air quality conformity is required and the consultation for this item is considered as a separate agenda item. The Transportation Review Committee, the Management Committee, and the Transportation Policy Committee recommended approval of the change in functional classification and approval of a TIP amendment for this project.

5D. Conformity Consultation

MAG is conducting consultation on a conformity assessment for an amendment to the FY 2004-2007 MAG Transportation Improvement Program. The amendment includes an Arizona Department of Transportation request for a new right-of-way acquisition project for State Route 93 (Wickenburg Bypass) in FY 2004, and the addition of new federal Job Access and Reverse Commute funds for continuing a Maricopa County transit project in FY 2004. In addition, the Town of Gila Bend has requested a new pedestrian improvement project on Martin Avenue, Old Main Street to Stout Street in FY 2005. The amendment includes new projects that may be categorized as exempt from conformity determinations and a minor project revision that does not require a conformity determination. This item was on the agenda for consultation.

5E. Ratification of the Executive Committee Action to Approve MAG Joining the Arizona State Retirement System

The Regional Council, by consent, ratified the Executive Committee action to approve MAG joining the Arizona State Retirement System. On May 13, 2003, the Executive Committee approved MAG joining the Arizona State Retirement System (ASRS). The Executive Committee action was ratified by the Regional Council on May 28, 2003. The attorney for ASRS questioned MAG's eligibility and subsequently issued an opinion that MAG was not eligible to join the System. Since then, MAG has been working with ASRS and their attorney to develop legislative language to clear up any ambiguity regarding MAG and similar organizations that are already in the System. This legislation, HB 2049, passed the House of Representatives. On May 12, 2004, the Senate voted 18-8 to approve this measure. The legislation now moves on to the Governor. We have been informed by ASRS staff that we will need to resubmit our application, which includes a resolution from MAG. On May 17, 2004, the MAG Executive Committee approved MAG joining the Arizona State Retirement System.

6. Update on Air Quality Issues

Lindy Bauer updated the Council on air quality issues. She reported on the new nonattainment area for the eight-hour ozone standard, which includes mainly Maricopa County and Apache Junction. Ms. Bauer stated that the boundary designated by EPA is an improvement over the four-county area that was originally proposed. Ms. Bauer stated that Apache Junction projects are already included in the MAG transportation plans and modeling area. She stated that EPA has designated our area as a Basic Nonattainment Area because the readings are only slightly over the standard at two monitors.

Ms. Bauer stated that another issue is PM-10 particulate pollution. Ms. Bauer stated that as of 2003, the region has experienced violations of the annual standard at five locations. She said that the region must be clean for three years before 2006. If we continue to have violations after January 2004, we will be required to have a five percent plan in place, which means we will have to reduce pollutants by five percent each year until the standards are met. Ms. Bauer stated that the Salt River monitor continues to go over the standards, so EPA said that a new plan for that area would need to be developed. She noted that the area covers from 59th Avenue to 10th Street, Baseline to Van Buren. Ms. Bauer stated that the Arizona Department of Environmental Quality (ADEQ) plan did not include measures and ADEQ is working on the measures now. She said that sweeping streets more frequently was a key issue discussed at a stakeholders meeting on Monday. Ms. Bauer indicated that ADEQ had presented options such as if a road is within one quarter mile of an industrial area, it would be swept weekly, and this could have financial implications for municipalities.

Ms. Bauer stated that HB 2419 delayed the compliance date for smaller diesel engine vehicles to switch over to cleaner diesel engines. She stated that the clean burning fireplace measure would be used as a main measure to counteract this. Ms. Bauer stated that we are still trying to get PM-10 added to the SAFETEA formula. She noted the work by Senator Kyl, the National Association for Regional Councils, and the ADOT lobbyist on this effort. Ms. Bauer reported that Congressman Shadegg offered an amendment to include PM-10 in the formula on the House Floor, but it was withdrawn after two key Congressmen agreed to revisit the language in the Conference Committee.

Ms. Bauer updated the Committee on the lawsuit filed by the Arizona Center for Law in the Public Interest. She stated that on May 10, 2004, the United States Court of Appeals for the Ninth Circuit Court issued an opinion that vacated portions of EPA's final approval of the Serious Area Particulate Plan for PM-10 for Maricopa County. Ms. Bauer said that the court told EPA it must review their discussion of the rejection of CARB diesel. She indicated that EPA attorneys are evaluating the impact of the court's opinion. Chair Feldman-Kerr thanked Ms. Bauer for her report. No questions from the Council were noted.

7. Draft FY 2005 MAG Unified Planning Work Program and Annual Budget

Becky Kimbrough reported on the draft FY 2005 MAG Unified Planning Work Program and Annual Budget. Ms. Kimbrough stated that as adjustments to the budget were made, the draft budget document was updated and presentations were made to the Management Committee, Executive Committee, and Regional Council. Ms. Kimbrough expressed her appreciation to the Council for contributing to a successful Work Program process. She noted that only slight changes have been made since the presentation in April. Ms. Kimbrough said that the total FY 2005 budget is approximately \$14.4 million. She noted that the consultant funding in the amount of \$300,000 for the Building a Quality Regional Community is being removed from the budget and Phase I for this project would proceed using staff resources.

Ms. Kimbrough stated that action on the Building Codes Compilation and Web Addition is being deferred until the July Regional Council meeting. Ms. Kimbrough stated that MAG joining the Arizona State Retirement System would not change the 2005 budget. Ms. Kimbrough stated that the Executive Committee approved the findings from the Compensation Study. She explained that through the

elimination of the Assistant Director position, funds would be available for salary adjustments. Ms. Kimbrough stated that no changes to the budget would be required as a result of the IPG Certification Review.

Mr. Smith stated that duties of the Assistant Director position were assigned to Lindy Bauer and Eric Anderson. He added that the Assistant Director position was offered up to make available funds for salary adjustments that might be needed as a result of the Compensation Study findings.

Chair Feldman-Kerr recognized public comment from Mr. Ryan, who spoke about alternatives to looking at budgets and spending tax money. He stated that \$50,000 was saved on the Digital Oasis project by in house work. Mr. Ryan commented that using federal money for projects requires adherence to federal regulations, which could wipe out profits. He said that in a mixed company, the taxpayers could have a share of the profits; however, changes in legislation would be needed to allow mixed companies. Chair Feldman-Kerr thanked Mr. Ryan for his comments.

Mayor Gordon moved to approve the resolution adopting the FY 2005 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments, and to amend the FY 2004 MAG Unified Planning Work Program and Annual Budget and the FY 2004 Transportation Improvement Program to incorporate the FY 2004 Surface Transportation Improvement Program funds identified in the FY 2005 Unified Planning Work Program and Annual Budget. Mayor Thomas seconded, and the motion carried unanimously.

8. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Chair Feldman-Kerr stated that at each place was the April 30, 2004 memorandum soliciting nominations for the positions on the Transportation Policy Committee. These appointments will be made at the June 23, 2004 Regional Council meeting. Chair Feldman-Kerr stated that the central city or the seven largest cities desiring to change its representative would need to send a letter to MAG indicating the change. She mentioned that nominations for the geographically balanced seats, the at-large seats, and the Freight representative are also being requested. Chair Feldman-Kerr stated that the positions of Chair and Vice Chair will also be determined at the June 23, 2004 meeting. She noted that letters should be submitted to MAG by June 18, 2004.

Vice Mayor Barrett announced that the City of Peoria will celebrate its 50th birthday on June 2, 2004.

There being no further business, the meeting adjourned at 5:45 p.m.

Chair

Secretary